IN THE HIGH COURT OF BOMBAY AT GOA
****

CONTEMPT PETITION NO. 4 OF 2004
IN
SECOND APPEAL NO.29 OF 2002

1. Smt. Yeshodi Chandru
   Naik, of major age,
   housewife,

2. Shri Chandru Satu Naik,
   of major age,
   service, both r/o
   Mencurem, Canca,
   Bicholim (Goa). ... Petitioners

Versus

1. Shri Gurunath Raghuvir
   Shetye, of major age,
   unmarried, service,

2. Shri Zulu alias Dilip
   Raghuvir Shetye,
   of major age, unmarried,
   service,

3. Shri Santosh Pandu Shetye,
   of major age, married,
   service,

3A. Smt. Sunita Santosh
   Shetye, of major age,
   married, housewife,

4. Shri Sham Pandu Shetye,
   of major age, unmarried,
   service,

5. Shri Ganesh Shankar
   Shetye, of major age,
   unmarried, service,

5A. Smt. Saraswati Ganesh
   Shetye, of major age,
   married, housewife,

6. Shri Yeshwant Surya Shetye,
   of major age, married,
   music teacher,

7. Smt. Kalyan Yeshwant
   Shetye, of major age,
   married, housewife,

8. Shri Zipa Jaideo Shetye,
   of major age, married,
   housewife,

9. Smt. Radhabai Zipa Shetye,
   of major age, married,
   housewife,

10. Shri Nilu Jaideo Shetye,
    of major age, married,
    Agriculturist,

11. Smt. Yamuna Nilu Shetye,
    of major age, married,
    housewife,

12. Shri Ramesh Jaideo Shetye,
    of major age, married,
    Agriculturist,

13. Smt. Rashika Ramesh
    Shetye, of major age,
    married, housewife,

14. Shri Prakash Jaideo
    Shetye, of major age,
    married, Agriculturist,

15. Smt. Anjani Prakash
    Shetye, of major age,
    married, housewife,

16. Shri Mhalu Vithu
    Shetye, of major age,
    married, Agriculturist,

16A. Smt. Kashibai Mhalu
    Shetye, of major age,
    unmarried, service,

17. Shri Mahadeo Vithu
    Shetye (deceased), of
    major age, married,
    service and his widow
    and legal representative,
    the respondent no.18,

18. Smt. Parvati Mahadeo
    Shetye, of major age,
    unmarried, service,

19. Shri Mohan Vithu Shetye,
    of major age, mrried,
    Agriculturist and his
    wife,

20. Smt. Jayshree Mohan Shetye, of major ge, married, housewife,

21. Smt. Lilawati Zilu Shetye, of major age, married, housewife,

22. Shri Shripad Zilu Shetye, of major age, married, service and his wife,

23. Smt. Sharada Shripad Shetye, of major age, married, housewife,

24. Shri Pundalik Babgo Shetye (through his Legal Representatives) of major age, married, Agriculturist,

24A. Shri Krishna Pundalik Shetye,

24B. Smt. Reshma Krishna Shetye, both r/o Nagali, Taleigao, Ilhas, Goa,

24C. Shri Sabaji Pundalik Shetye,

24D. Smt. Sushma Sabaji Shetye, both r/o Behind Holy Family High School, Pick & Carry Shop, Socorro, Bardez, Goa,

24E. Shri Babago (Bharat) Pundalik, Shetye,

24F. Smt. Joasana Babago Shetye, both r/o Nagali, Taleigao, Ilhas, Goa,

24G. Shri Ravlu Pundalik Shetye,

24H. Smt. Sadhana Ravlu Shetye, both r/o behind Holy Family High School, Pick & Carry Shop, Socorro, Bardez, Goa,

24I. Shri Chandrakant Pundalik Shetye,

24J. Smt. Bhageshree Chandrakant Shetye, both r/o behind Holy Family High School, Pick & Carry shop, Socorro, Bardez, Goa,

24K. Shri Sanjay Pundalik Shetye, r/o behind Holy Family High School, Pick & Carry Shop, Socorro, Bardez, Goa,

24L. Shri Santosh Shetgaonkar,

24M. Smt. Meera Santosh Shetgaonkar, both r/o Plot No.15-E, Housing Board, Ganeshpuri, Mapusa, Bardez, Goa,

25. Smt. Gopika alias Anusuya Pundalik Shetye, of major age, married,

26. Shri Pandu Dharma Shetye (deceased), of major age, married, represented by his Legal Representatives, the respondents nos.3, 3A, 4 and 27,

27. Smt. Baya Pandu Shetye, of major age, married, housewife,

28. Smt. Anawali Bhika Shetye, of major age, widow, housewife,

29. Shri Mahableshwar Bhika Shetye (deceased) of major age, married, Agriculturist, represented by his legal representatives,

30. Kum. Vaman Mahabaleshwar Shetye, minor, thru' guardian, respondent no. 32,

31. Kum. Preetam Mahabaleshwar Shetye, minor thru' guardian respondent no.33,

32. Smt. Manish Mahabaleshwar
Shetye, of major age,
housewife,

33. Shri Suresh Bhika Shetye,
of major age, married,
agriculturist and his wife,

34. Smt. Sujata Suresh Shetye,
of major age, married,
housewife, all r/o
Mencurem, Taluka
Bicholim (Goa),

35. Smt. Indubai Saji Shet
of major age, housewife
and her husband,

36. Shri Saji Venku Shet,
of major age, married,
both r/o Khairatwadda,
Revora, Bardez (Goa),

37. Smt. Anandi alias Sudha
Jaganath Shetgaonkar,
of major age, housewife
and her husband,

38. Shri Anant Jaganath
Shetgaonkar, of major age,
married, both r/o District
Chapel, Near Lake Baina,
Vasco da Gama (Goa) and

39. Smt. Rukmini Pandurang
Raut, widow of Pandurang
Raut, of major age, r/o
Madhlawadda, Sal,
Bicholim (Goa). ...Respondents.

Ms. S. Naik, advocate for the petitioners.

Shri Sudin Usgaokar, advocate for respondent nos. 24 (a) to (m),30,32,33,35 and 36.

CORAM : S. A. BOBDE, J.

DATE : 1st July 2004.

ORAL JUDGMENT

Rule made returnable forthwith. Heard by consent.

2. Learned counsel for the petitioners avers that there is a breach of the Order of status quo directed to be maintained by this Court on 11th September, 2003. According to the petitioners the breach is due to the fact that the respondents had piled hay onto the haystack on the suit property. However, admittedly, the haystack is not there today while the matter is being argued before this Court. The petitioners, therefore, pray for clarification to ensure that the respondents do not pile any hay on the suit property in future.

3. Shri Usgaokar, learned counsel for the respondents, states that the existence of the haystack was pleaded by the respondents in their written statement.

4. Having considered the matter, I am of the view that mere piling of the haystack which might be necessary for feeding cattle, would not construe a breach of the order of status quo granted by this Court dated 11th September, 2003, on principle of **de minimis non curat lex.** The respondents should however, ensure that they do not make a permanent or temporary structure on the suit property, or otherwise permanently alter the suit property. The respondents shall however, be allowed to protect the haystack by having a temporary bamboo fencing which shall be subject to the orders of the court.

5. Petition disposed of. Rule made in the above terms.

S. A. BOBDE, J.

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